IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mrs. JUSTICE T.MEENA KUMARI

WRIT PETITION No. 9332 of 1995

Between:

Mrs Durdana Khatoon, W/o Sri Khursheed Ali Khan,
Muslim, aged about 44 years,Occ: Housewife,

R/o H.No.8-2-332/1, Road no.3,
Banjara Hills, Hyderabad.

..... PETITIONER

AND

1 The Mandal Revenue Officer,
Golconda (M), Hyderabad Dist.
2 The Disrtrict Collector,
Hyderabad Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the respondents for invoking the summary procedure of eviction under sections 6 & 7 of the A.P. Land Encroachment Act no.3 of 1905 against the petitioners as illegal, arbitrary, unauthorized and without jurisdiction.

Counsel for the Petitioner: MR.V.RAJAGOPAL REDDY

Counsel for the Respondents: GP FOR REVENUE (General)

The Court made the following:

ORDER:

Aggrieved by the notice dated 10.04.1995, issued by the 1st respondent under Section 7 of A.P.Land Encroachment Act, the petitioner approached this Court, seeking a writ of mandamus declaring that the action of the respondents for invoking the summary procedure of eviction under sections 6 and 7 of the A.P.Land Encroachment Act 3 of 1905 against him as illegal and arbitrary.

2. The petitioner claims that he purchased property bearing No.8-2-332/1 and 8-2-332/1/1, admeasuring 1,470 square yards, situated at Road No.3, Banjara Hills, Hyderabad under a registered sale deed dated 21.01.1988 from his vendors. He further claims that himself and his vendors got clear and alienable title over the said property for the last 63 years. While so, the 1st respondent issued a notice to the petitioner under Section 7 of A.P.Land Encroachment Act, dated 10.04.1995, stating that he is in unauthorized occupation of 774 square meters of the Government land.

3. A perusal of the record shows that to the notice issued by the 1st respondent, the petitioner gave reply on 20.04.1995, showing his and his vendors' title over the said property and also requesting him to fix a date for hearing him and that the same is pending before the respondents.

4. In view of the same, it would be appropriate to give a direction to the respondents to dispose of the matter basing on the explanation submitted by the petitioner.

5. Accordingly, the Writ Petition is disposed of, directing the respondents to dispose of the matter basing on the explanation of the petitioner, dated 20.04.1995, within a period of three (3) months from the date of receipt of a copy of this order. Till such time, the stay granted by this Court dated

03.05.1995, in WPMP.No.11632 of 1995, shall continue.

dsr

ASSISTANT REGISTRAR

// **TRUE COPY** //

SECTION OFFICER

To:

1. The Mandal Revenue Officer,

Golconda Mandal, Hyderabad District

2. The District Collector,

Hyderabad District

3. Two CCs to the Government Pleader for Revenue (Gereral,

High Court Buildings, Hyderabad (OUT)

4. Two CD copies